

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 2, and 7-14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2-14 are pending and under consideration. Reconsideration is respectfully requested.

EXAMINER INTERVIEW SUMMARY

Applicants thank the Examiner for discussing the present application with Applicants' Representative on April 1, 2005. Specifically, Applicants' Representative and the Examiner discussed the Examiner's application of cited art against claims indicated as allowable by the previous Examiner, and statutory subject matter was discussed.

ALLOWABLE SUBJECT MATTER

In the Office Action at page 12, the Examiner indicated that claim 9 is allowable. Further, the Examiner stated that "the prior art neither singly or in combination disclose of data reduction speed storage unit storing data reduction speed for each of a plurality of combinations of a reduction processing algorithm and a file whose data is to be reduced, and wherein the reduction unit calculates a target reduction speed and makes a comparison between the target reduction speed and the data reduction speed stored in the data reduction speed storage algorithm and file whos[sic] data is to be deleted."

REJECTION UNDER 35 U.S.C. §101

In the Office Action at pages 2-3, claim 11 was rejected under 35 U.S.C. §101 "because the claimed invention is directed to non-statutory subject matter." This rejection is traversed and reconsideration is requested.

Claim 11 has been amended to recite "A computer readable storage medium encoded with processing instructions received via a propagation signal propagating a program to a computer, the program allowing the computer to perform...." Accordingly, Applicants respectfully submit that amended independent claim 11 is directed to statutory subject matter. Applicants respectfully request that, in view of the amendment of independent claim 11, this rejection be withdrawn.

REJECTION UNDER 35 U.S.C. §102

In the Office Action at pages 3-6, claims 2, 4-6, and 8 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,298,173 to Lopresti. This rejection is traversed and reconsideration is requested.

Independent claim 2 has been amended to recite "a data reduction speed storage unit storing data reduction speed for each of a plurality of combinations of a reduction processing algorithm and a file whose data is to be reduced" and "wherein the reduction unit calculates a target reduction speed and makes a comparison between the target reduction speed and the data reduction speed stored in the data reduction speed storage unit to determine a combination of a reduction processing algorithm and a file whose data is to be deleted." This subject matter has been indicated as allowable by the Examiner. As the prior art fails to teach or suggest this feature, Applicants respectfully submit that amended independent claim 2 and those claims depending directly or indirectly therefrom patentably distinguish over the prior art and, therefore, are in condition for allowance.

Regarding independent claim 8, in the Office Action at pages 5-6, the Examiner asserts that that Lopresti at col. 9, lines 51-64, teaches "an algorithm storage unit storing application ranking of a plurality of reduction processing algorithms, and wherein the reduction unit determines a combination of a reduction processing algorithm and a file whose data is to be reduced on the basis of the application ranking of the reduction processing algorithms and the reduction ranking of the files." Applicant respectfully disagrees and submits that Lopresti teaches the use of artificial intelligence to generate storage preference rules. As Lopresti fails to teach or suggest all of the features of independent claim 8, Applicants respectfully submit that independent claim 8 patentably distinguishes over the prior art and is in condition for allowance.

REJECTION UNDER 35 U.S.C. §103

In the Office Action at page 6, claim 3 was rejected under 35 U.S.C. §103 as being unpatentable over Lopresti in view of U.S. Patent No. 5,276,867 to Kenley, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As discussed above, Lopresti fails to teach or suggest all of the features of amended independent claim 2. Applicants respectfully submit that Kenley, et al. fails to cure the

deficiencies of Lopresti. Accordingly, Applicants respectfully submit that Lopresti and Kenley, et al., taken alone or in combination, fail to teach or suggest all of the features of dependent claim 3. Thus, Applicants submit that claim 3 patentably distinguishes over the prior art and is in condition for allowance.

In the Office Action at pages 7-8, claim 7 was rejected under 35 U.S.C. §103 as being unpatentable over Lopresti in view of Gavron. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 7 has been amended to recite "a data reduction speed storage unit storing data reduction speed for each of a plurality of combinations of a reduction processing algorithm and a file whose data is to be reduced" and "wherein the reduction unit calculates a target reduction speed and makes a comparison between the target reduction speed and the data reduction speed stored in the data reduction speed storage unit to determine a combination of a reduction processing algorithm and a file whose data is to be deleted." This subject matter has been indicated as allowable by the Examiner. As the prior art fails to teach or suggest this feature, Applicants respectfully submit that amended independent claim 7 and those claims depending directly or indirectly therefrom patentably distinguish over the prior art and, therefore, are in condition for allowance.

In the Office Action at pages 8-12, claims 10 and 12-14 were rejected under 35 U.S.C. §103 as being unpatentable over Lopresti. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claims 10, 12, and 14 have been amended to recite "storing a data reduction speed for each of a plurality of combinations of a reduction processing algorithm and a file whose data is to be reduced." Independent claim 13 has been amended to recite "reduction speed calculating means for calculating a target reduction speed." Applicants respectfully submit that Lopresti fails to teach or suggest these features of amended independent claims 10 and 12-14. Accordingly, Applicants respectfully submit that amended independent claims 10 and 12-14 patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9 August 2005

By: Allison Olenginski
Allison Olenginski
Registration No. 55,509

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501